

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

This Document Relates To:
ALL ACTIONS

Civil No. 0:18-cv-01776-JRT-HB

**DECLARATION OF JOSEPH C.
BOURNE IN SUPPORT OF
PLAINTIFFS' MOTION TO
COMPEL INDIANA PACKERS
CORPORATION TO PRODUCE
DOCUMENTS RESPONSIVE TO
SUBPOENA DUCES TECUM**

I, Joseph C. Bourne, declare as follows:

1. I am an attorney with the law firm of Lockridge Grindal Nauen P.L.L.P., appointed by the Court as Interim Co-Lead Class Counsel for the Direct Purchaser Plaintiff ("DPP") Class in the above-captioned matter. I submit this declaration in support of Plaintiffs' Motion to Compel Indiana Packers Corporation to Produce Documents Responsive to Subpoena Duces Tecum

2. Attached as **Exhibit 1** is a true and correct copy of a document bates labeled JBS-PORK-00880538, which JBS designated as Highly Confidential in its production.

3. Attached as **Exhibit 2** is a true and correct copy of a document bates labeled SBF0349004, which Seaboard designated as Confidential in its production.

4. Attached as **Exhibit 3** is a true and correct copy of a document bates labeled SMITHFIELD01177237, which Smithfield designated as Confidential in its production.

5. Attached as **Exhibit 4** is a true and correct copy of a document bates labeled SMITHFIELD03678665, which Smithfield designated as Highly Confidential in its production.

6. Attached as **Exhibit 5** is a true and correct copy of the subpoena duces tecum Direct Purchaser Plaintiffs, Consumer Indirect Purchaser Plaintiffs, Commercial and Institutional Indirect Purchaser Plaintiffs, and the Commonwealth of Puerto Rico (collectively, “Plaintiffs”) served on Indiana Packers Corporation (“Indiana Packers”), which is dated June 7, 2021.

7. Attached as **Exhibit 6** is a true and correct copy of the Objections and Responses Indiana Packers served on Plaintiffs on July 9, 2021.

8. Attached as **Exhibit 7** is a true and correct copy of the email exchange between counsel for Direct Purchaser Plaintiffs and counsel for Indiana Packers from July 9, 2021 through December 28, 2021.

9. Attached as **Exhibit 8** is a true and correct copy of the December 1, 2021 letter from Joseph C. Bourne to Britt M. Miller.

10. Attached as **Exhibit 9** is a true and correct copy of the search terms Plaintiffs proposed to Indiana Packers for it to use in its search for documents responsive to the subpoena.

11. Plaintiffs have served subpoenas on non-parties in this case, seeking communications with Agri Stats, communications with Pork Integrators, and documents related to pork costs, pricing, production, output, capacity, sales, demand, supply, imports exports, or market shares. Where applicable, Plaintiffs have proposed sets of search terms

for the non-parties to use when searching for responsive documents. These search terms have all contained terms, phrases, and email domains that are unique to the pork industry. The search terms ultimately proposed to Indiana Packers are substantially the same as the terms proposed to and used by other non-parties in response to subpoenas in this case.

12. Attached as **Exhibit 10** is a true and correct copy of the December 28, 2021 letter from Britt M. Miller to Joseph C. Bourne.

13. Attached as **Exhibit 11** is a true and correct copy of a document bates labeled SBF0218426, which Seaboard designated as Confidential in its production.

14. Attached as **Exhibit 12** is a true and correct copy of a document bates labeled JBS-PORK-00096504, which JBS designated as Confidential in its production.

15. Attached as **Exhibit 13** is a true and correct copy of a document bates labeled TF-P-001698022, which Tyson designated as Confidential in its production.

16. Attached as **Exhibit 14** is a true and correct copy of a document bates labeled HFC-PORKAT0000025940, which Hormel designated as Confidential in its production.

17. Attached as **Exhibit 15** is a true and correct copy of a document bates labeled TF-P-001604401, which Tyson designated as Confidential in its production.

18. Attached as **Exhibit 16** is a true and correct copy of a document bates labeled SMITHFIELD01237636, which Smithfield designated as Confidential in its production.

19. Attached as **Exhibit 17** is a true and correct copy of a document bates labeled TF-P-000646687, which Smithfield designated as Confidential in its production.

20. Attached as **Exhibit 18** is a true and correct copy of a document bates labeled TF-P-000581785, which Tyson designated as Confidential in its production.

21. Attached as **Exhibit 19** is the true and correct copy of document bates labeled JBS-PORK-01009311, which JBS designated as Highly Confidential in its production.

22. Plaintiffs are meeting and conferring with certain Defendants about what appear to be some gaps in certain Defendants' document productions. Those discussions have not yet been resolved.

23. Attached as **Exhibit 20** is a true and correct copy of the court's order in the Turkey antitrust litigation concerning a motion for a protective order pursuant to Federal Rule of Civil Procedure 26. *See* Order, ECF No. 305, *Olean Wholesale Grocery Cooperative, Inc. v. Agri Stats, Inc.*, Case No. 1:19-cv-08318 (N.D. Ill. Oct. 6, 2021).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 17th day of March, 2022, at Minneapolis, Minnesota.

/s/Joseph C. Bourne

Joseph C. Bourne